

AMENDED IN ASSEMBLY APRIL 23, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 1651

Introduced by Assembly Member Maldonado

February 23, 2001

An act to add Section ~~3021.5~~ 3024 to the Elections Code, relating to elections, *and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1651, as amended, Maldonado. Absentee ballots: *voter education program.*

~~Existing law permits voters, under specified conditions, to request and obtain physical delivery of an absentee ballot to the voter or the voter's authorized representative after the period to request an absentee ballot has expired.~~

~~This bill would provide that an absentee ballot may not be conveyed to or from an elections official by (1) a candidate or representative of a candidate, (2) a proponent, opponent, representative of a proponent or opponent, or representative of a committee supporting or opposing, an initiative, referendum, recall measure, or charter amendment, or (3) any political party representative, unless the ballot is the individual's own absentee ballot, or the absentee ballot of a family or household member as permitted by specified provisions of existing law.~~

Existing law requires that an identification envelope for the return of a voted absentee ballot contain, among other things, a space for the signature of the voter, the voter's residence address as shown on the affidavit of registration, and the date of signing and requires that

absentee ballots be received no later than the close of the polls on election day.

The bill would appropriate \$10,000,000 to the Secretary of State to provide subventions to counties to fund initial implementation of voter education programs under the bill. The bill would declare the intent of the Legislature to provide funding for these programs in the annual Budget Acts, and would specify that the programs required by the bill shall be subject to the availability of funding.

Vote: ~~majority~~ ^{2/3}. Appropriation: ~~no~~ yes. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. — Section 3021.5 is added to the Elections Code,~~
 2 *SECTION 1. Section 3024 is added to the Elections Code, to*
 3 *read:*
 4 *3024. (a) Each county elections official shall establish a*
 5 *voter education program for the purpose of reducing the number*
 6 *of absentee ballots that cannot be canvassed for any reason,*
 7 *including, but not limited to, the voter's failure to sign the envelope*
 8 *provided pursuant to Section 3011 in which the absentee ballot was*
 9 *returned, the voter's failure to return the ballot on or before*
 10 *election day pursuant to Section 3020, or any damage to the ballot*
 11 *returned by mail or delivery. The voter education program may*
 12 *take the form of either of the following:*
 13 *(1) A written notice to the absent voter from the elections*
 14 *official that specifies that a ballot was not canvassed and the*
 15 *reason for not counting the ballot, including instances in which a*
 16 *portion of the ballot was not tabulated because an absent voter*
 17 *selected more candidates than allowed for that office, or any*
 18 *offices for which an absent voter selected no candidates.*
 19 *(2) A program for each election to identify voters whose*
 20 *absentee ballots were not, for any reason, able to be processed by*
 21 *the elections official, and to communicate with these voters to*
 22 *avoid similar processing problems for future elections. The*
 23 *program shall include, but is not limited to:*
 24 *(A) Including a notice in the sample ballot or voter information*
 25 *guide describing how to request an absentee ballot, the*
 26 *information and procedures required for an absentee ballot to be*
 27 *counted, the reasons why a voted ballot might not be counted, and*

1 a description of the procedures by which a voter can properly
2 execute an absentee ballot.

3 (B) Including information mailed with the absentee ballot to
4 the voter stating the requirements for a properly executed absentee
5 ballot.

6 (C) Mailing a new form to register to vote within 90 days of an
7 election to all persons whose absentee ballots were not counted
8 because of a nonmatching signature with a notice indicating that
9 the elections office is attempting to update its signature records.

10 (b) A voter education program established pursuant to
11 Paragraph (2) of subdivision (a) may be eligible for funding
12 otherwise provided by the Secretary of State for voter registration
13 programs established pursuant to Section 2105.

14 (c) The sum of ten million dollars (\$10,000,000) is hereby
15 appropriated from the General Fund to the Secretary of State to be
16 used to provide initial subventions to counties to fund voter
17 education programs required by subdivision (a). It is the intent of
18 the Legislature that ongoing funding for these programs shall be
19 provided in the annual Budget Act, and that the programs required
20 by subdivision (a) shall be subject to the availability of funding
21 therefor.

22 to read:

23 ~~3021.5. (a) Notwithstanding Section 3021 or any other~~
24 ~~provision of law, an absentee ballot may not be delivered by an~~
25 ~~elections official to, or returned to an elections official by, any of~~
26 ~~the following:~~

27 ~~(1) Any candidate or representative of a candidate.~~

28 ~~(2) Any proponent, opponent, representative of a proponent or~~
29 ~~opponent, or representative of a committee supporting or~~
30 ~~opposing, an initiative, referendum, recall measure, or charter~~
31 ~~amendment.~~

32 ~~(3) Any political party representative.~~

33 ~~(b) For purposes of this section, "representative" includes a~~
34 ~~volunteer.~~

35 ~~(c) Notwithstanding subdivision (a), an individual is permitted~~
36 ~~to receive from, or deliver to, an elections official his or her own~~
37 ~~absentee ballot, or the absentee ballot of a member of his or her~~

- 1 ~~family or household, if otherwise permitted by subdivision (b) of~~
- 2 ~~Section 3009 or by Section 3017.~~

O

